

ASSEMBLY BILL

No. 572

Introduced by Assembly Member Wolk

February 16, 2005

An act to amend Section 37252.2 of the Education Code, relating to supplemental instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 572, as introduced, Wolk. Supplemental instruction: pupils recommended for retention.

Existing law requires the governing board of each school district maintaining any or all of grades 2 to 9, inclusive, to offer, and authorizes a charter school to offer, programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 1 to 9, inclusive, who have been recommended for retention or who have been retained, and authorizes a school district or charter school to require a pupil who has been retained to participate in supplemental instructional programs.

This bill would extend the application of existing law to include, in addition, districts maintaining kindergarten or 1st grade and pupils enrolled in kindergarten and 1st grade.

Because this bill would require school districts to offer supplemental instruction to pupils, as specified, in kindergarten and 1st grade, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 37252.2 of the Education Code is
2 amended to read:
3 37252.2. (a) The governing board of each school district
4 maintaining any or all of *kindergarten and* grades ~~2~~ 1 to 9,
5 inclusive, shall offer, and a charter school may offer, programs of
6 direct, systematic, and intensive supplemental instruction to
7 pupils enrolled in *kindergarten and* grades ~~2~~ 1 to 9, inclusive,
8 who have been recommended for retention or who have been
9 retained pursuant to Section 48070.5. A school district or charter
10 school may require a pupil who has been retained to participate
11 in supplemental instructional programs. Notwithstanding the
12 requirements of this section, the school district or charter school
13 shall provide a mechanism for a parent or guardian to decline to
14 enroll his or her child in the program. Attendance in
15 supplemental instructional programs shall not be compulsory
16 within the meaning of Section 48200.
17 (b) Supplemental educational services pursuant to subdivision
18 (a) may be offered during the summer, before school, after
19 school, on Saturdays, or during intersession, or in a combination
20 of summer school, before school, after school, Saturday, or
21 intersession instruction. Services shall not be provided during the
22 pupil's regular instructional day. Any minor pupil whose parent
23 or guardian informs the school district that the pupil is unable to
24 attend a Saturday school program for religious reasons, or any
25 pupil 18 years of age or older who states that he or she is unable
26 to attend a Saturday school program for religious reasons, shall
27 be given priority for enrollment in supplemental instruction
28 offered at a time other than Saturday, over a pupil who is not
29 unable to attend a Saturday school program for religious reasons.
30 (c) For purposes of this section, a pupil shall be considered to
31 be enrolled in a grade immediately upon completion of the
32 preceding grade. Summer school instruction may also be offered
33 to pupils who were enrolled in grade 6 during the prior school

year. For ninth grade pupils identified in subdivision (a), summer school instruction may also be offered to pupils who were enrolled in grade 9 during the prior school year.

(d) Each school district or charter school shall use results from tests administered under the Standardized Testing and Reporting Program, established pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or other evaluative criteria to identify eligible pupils pursuant to subdivision ~~(b)~~ (a).

(e) An intensive remedial program in reading or written expression offered pursuant to this section shall, as needed, include instruction in phoneme awareness, systematic explicit phonics and decoding, word attack skills, spelling and vocabulary, explicit instruction of reading comprehension, writing, and study skills.

(f) Each school district or charter school shall seek the active involvement of parents and classroom teachers in the development and implementation of supplemental instructional programs provided pursuant to this section.

(g) It is the intent of the Legislature that pupils who are at risk of failing to meet state adopted standards, or who are at risk of retention, be identified as early in the school year and as early in their school careers as possible, and be provided the opportunity for supplemental instruction sufficient to assist them in attaining expected levels of academic achievement.

(h) Notwithstanding any other provision of law, neither the State Board of Education nor the Superintendent of Public Instruction may waive any provision of this section.

~~(i) This section shall become operative on January 1, 2003.~~

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.